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In re application of

Evans et al.

Serial No. 10/700,025

Filed: November 3, 2003

For: ANODE-SUPPORTED FLAT-TUBULAR SOLID
OXIDE FUEL CELL STACK AND FABRICATION
METHOD OF THE SAME

:
:
: DECISION ON
:
: PETITION

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed March 2, 2007.

On March 2, 2007, a final office action was mailed to applicants rejecting various claims on new grounds not necessitated by applicants' amendment.

DECISION

Section 706.07 of the MPEP states:

706.07(a) Final Rejection, When Proper on Second Action

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

The petition for withdrawal of finality is **GRANTED**.

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